

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
EASTERN WASHINGTON REGION
STATE OF WASHINGTON

WES HAZEN, et al.,

Petitioners,

v.

YAKIMA COUNTY,

Respondent,

And,

FRIENDS OF THE WENAS; COLUMBIA
READY-MIX; YAKIMA COUNTY FARM
BUREAU, INC., YAKIMA COUNTY
CATTLEMEN'S ASSOCIATION, CENTRAL
PRE-MIX CONCRETE COMPANY,

Intervenors.

Case No. 08-1-0008c

**ORDER ON REMAND
[TYPE 5 EPHEMERAL STREAMS]**

This matter comes before the Board on a November 13, 2012 Stipulation on Remand Re: Type 5 Streams Subissue. The Stipulation was signed by: Petitioners Wes Hazen, Upper Wenas Preservation Association, Futurewise, and Confederated Tribes and Bands of the Yakama Nation; Respondent Yakima County; and Intervenor Yakima County Farm Bureau. These parties stipulated that "the Board should reverse the portion of its Final Decision and Order in Growth Management Hearings Board (GMHB) Case No. 08-1-0008c finding the County in violation of the Growth Management Act (GMA) for failing to designate Type 5 ephemeral streams as critical areas."

On June 14, 2012 the Court of Appeals held: the superior court did not err in reversing the GMHB's decision that YCC 16C.06.16, table 6-1, adopted in Ordinance 13-2007, violated

1 the GMA, and the Court of Appeals affirmed that portion of the superior court's decision.
2 *Yakima County, et al. v. Eastern Washington Growth Management Hearings Board, et al.*,
3 168 Wn. App. 680 (2012). The Court of Appeals Mandate was issued on July 24, 2012
4 (Court of Appeals No. 29763-2-III; Yakima County Superior Court Docket No. 10-2-01392-
5 9).
6

7 On September 21, 2012, the Yakima County Superior Court entered a Stipulated Order of
8 Mandate to the Growth Management Hearings Board for proceedings consistent with the
9 Court of Appeals decision in Case No. 29763-2-III.
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11 Based upon the court decisions and mandates, the Stipulation of the parties in this matter,
12 and the records and files in this case, the Board issues the following **ORDER**:
13

14 The Board reverses that portion of its Final Decision and Order in Case No. 08-1-0008c
15 finding the County in violation of the GMA for failing to designate Type 5 ephemeral streams
16 as critical areas. As to all other outstanding compliance issues, the Final Decision and Order
17 in Case No. 08-1-0008c remains in full force and effect.
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20 DATED this 3rd day of December, 2012.
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23 _____
Raymond L. Paolella, Board Member
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Chuck Mosher, Board Member
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